

## **REMARKS**

This application is currently under appeal. Applicant filed its Notice of Appeal on February 26, 2008. The Primary Examiner subsequently mailed an Advisory Action on March 18, 2008.

In view of the Primary Examiner's comments in the Advisory Action, Applicant hereby submits this Amendment and Response.

Applicant reiterates and incorporates by reference its prior arguments made in, e.g., pages 10-13 of the Amendment and Response filed June 8, 2007, as well as the Amendments and Responses filed November 5, 2003, and February 17, 2005, and the Appeal Brief originally filed March 13, 2006, regarding the previously submitted claims.

New claims 89-95 have also been added to this application. Support for these new claims can be found in the original specification.

In the Advisory Action, the Primary Examiner alleged that Applicant's then-claimed subject matter did not fall within the scope of the test results set forth in Applicant's Supplemental Declaration submitted February 26, 2008. Claims 89 and 92 of the newly presented claims now fall within the scope of these test results. A copy of the Supplemental Declaration is included herewith.

Also submitted herewith are a Request for Continued Examination ("RCE") and Request for Extension of Time, as well as a Supplemental Information Disclosure Statement under 37 CFR §1.97. This Supplemental Information Disclosure Statement is being submitted in response to the Primary Examiner's comments in the Advisory Action regarding the prior art ¾ inch BT-750 ceramic unit.

Applicant also submits herewith a Petition for Revival of an Application Abandoned

Unintentionally under 37 CFR 1.137(b). This Petition is being submitted in connection with Applicant's prior-filed Response and Notice of Appeal dated February 26, 2008.

Both the Response and Notice of Appeal were mailed to the Office in the same envelope on February 26, 2008 (Tuesday). The Response indicates that "Applicant is filing a Notice of Appeal concurrent with the submission of this Response." The statutory deadline for filing these documents was February 27, 2008 (Wednesday).

The Response included a Certificate of Mailing under 37 CFR 1.8(a) dated February 26, 2008, that was signed by a secretary for Applicant's attorney. The Notice of Appeal also included a Certificate of Mailing under 37 CFR 1.8(a), but the certificate was not signed or dated.

The stamped postcard from the Office indicates that the Response and Notice of Appeal were both received on February 28, 2008 (Thursday). The Advisory Action mailed by the Office on March 18, 2008, indicates that the Notice of Appeal was filed on February 28, 2008 (Thursday).

Applicant respectfully submits that both the Response and Notice of Appeal should be given the benefit of the filing date of the signed Certificate of Mailing included with the Response (i.e., Tuesday, February 26, 2008), particularly since (i) the Response and Notice of Appeal were included in the same envelope; and (ii) the Response specifically indicates that Applicant is seeking to file an Appeal concurrent with the Response.

There has been no indication by the Office that Applicant's application has been abandoned based upon the filing date of the Notice of Appeal. However, in an abundance of caution, Applicant submits this Petition to Revive in order to avoid the unintentional abandonment of the present application. As required by 37 CFR 1.137(b), Applicant submits

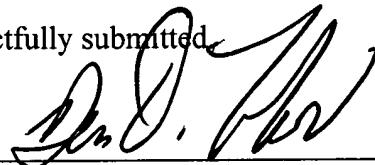
that the entire delay in filing the Notice of Appeal from the due date for the reply until the filing of a grantable petition was unintentional.

### CONCLUSION

Granting of Applicant's Petition, as well as reopening of prosecution and reconsideration of this application, are respectfully requested. The Commissioner is authorized to charge any and all fees which may be required to Greenberg Traurig Deposit Account No. 50-2638 (Order No. 105218.04).

Date: 9/26/08

Respectfully submitted,



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